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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,076	10/24/2001	Wenjun Luo	3COM2257-2	6227

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		09/890,076	LUO ET AL.
		Examiner	Art Unit	
		Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 July 2005</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>22 and 24-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>22 and 24-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04) Office Action Summary Part of Paper No./Mail Date 4

DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks. Claims 22 and 24-45.

2> This is a final rejection.

Response to Arguments

3> Applicant's arguments with respect to claims 22 and 24-38 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

4> In regards to claims 39-45, Applicant argues that the combination of the Frese and Ortony references do not disclose "transferring a control program to a portable computing platform". It should be noted that Frese as the primary reference disclosed transferring a control program to a computing platform, the control program being utilized to remotely control applications [see Frese, column 4 «lines 25-32» | column 14 «lines 37-46»]. As mentioned in the previous office action, Frese did not explicitly disclose that the computing platform was portable. Ortony was utilized to compensate for this deficiency and teach using a portable computing platform to remotely control applications.

That is, Ortony discloses utilizing a portable computer and suggests modifying Frese's computing platform by implementing is as a portable computer. Ortony was not used to suggest the transferring of a control program as this functionality was already present in Frese.

And as is well known in the art, a portable computer has inherent advantages of a

computing platform such as portability and wireless capability that allows freedom from

being bound to a single location. Therefore, one of ordinary skill in the art would have been

motivated by these advantages to modify Frese's system to include a portable computing

device in his system. Specifically, the combination of Frese and Ortony clearly discloses a

system for transferring the control program, Frese's "executable code" (column 4 «line 27»)

to a remote computer, as suggested by Ortony, instead of the regular computer previously

present in Frese's system.

Claim Rejections - 35 USC § 103

5>   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6>   Claims 22, 24, 25, 27, 31, 35, and 37 are rejected under 35 U.S.C § 103(a) as being

unpatentable over Ortony, U.S Patent No. 6.038.595, in view of Orenshteyn, U.S Patent No.

5.889.942, in further view of Frese, II et al, U.S Patent No. 5.909.545 ["Frese"].

7>   As to claim 22, Ortony discloses a data processing tool for controlling an application

accessible via a network, comprising:

a console application including a user interface program, information about services,

including network addresses, in a group of services accessible via the network, and a

communication driver executing a protocol for communication of the console application

with at least one of the services in the group [column 3 «lines 18-29, 34-48 and 56-65»];

an input/output device supporting the user interface program [column 7 «lines 2-14»];

and

a communication port by which access to the network is available [column 3 «lines 27-

29»].

However, Ortony does not explicitly disclose that the device downloads code

controlling the set of services or a tool wherein the protocol includes an exchange in which

the console application notifies a particular service in the group of services which will act as

an application host, of a set of services to be invoked.

8>   Ortony does suggest the ability to add functionality with the use of device programs

to his portable computer [column 7 «lines 43-51»]. Furthermore, Frese discloses a device

downloading code for controlling a set of services [column 4 «lines 25-50»]. Therefore, it

would have been obvious to one of ordinary skill in the art to modify Ortony's "device

programs" functionality with the downloading and "executable code" functionality disclosed

by Frese. One would have been particularly motivated to provide such functionality in

Ortony to allow programs to be dynamically loaded into the network device, enabling

Ortony's portable device to communicate with a wide variety of applications.

Orenshteyn discloses an exchange in which the console application notifies a

particular service in the group of services which will act as an application host, of a set of

services to be invoked [column 4 «line 65» to column 5 «line 15» | column 9 «lines 59-67»

where : Orenshteyn's directory service is among the group of services accessible to the

remote station, and hosts the other services that can be invoked by said station]. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate Orenshteyn's application host functionality into Ortony to provide a service in

the group of services that enhances a client's ability to access the other services.

9>   As to claim 24, Ortony does not disclose a tool wherein the protocol includes an

exchange by which the console application learns the network addressed of services in the

group.

10>   Orenshteyn discloses a tool wherein the protocol includes an exchange by which the

console application learns the network addressed of services in the group [column 5 «lines 8-

15»]. It would have been obvious to one of ordinary skill in the art to implement

Orenshteyn's address discovery method into Ortony's data processing tool to allow the user

to dynamically discover the services provided within his local area network.

11>   As to claim 25, Ortony does disclose an exchange in which a particular service sends

the console application a set of instructions [column 3 «lines 56-65»] but does not specifically

disclose a tool wherein the protocol includes an exchange in which a particular service in the

group of services sends the console application a set of user interface constructs for

incorporation in the user interface program.

12>   Orenshteyn discloses a tool wherein the protocol includes an exchange in which a particular service in the group of services sends the console application a set of user interface constructs for incorporation in the user interface program [column 5 «lines 16-31»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Orenshteyn's user interface construct commands into Ortony's server-processing tool system to allow the particular service control over what is displayed on Ortony's data processing tool.

13>   As to claim 27, Ortony discloses the data processing tool of claim 22 wherein the particular service in the group comprises an email client program [Figure 2 «item 42»].

14>   As to claim 31, Ortony discloses the data processing tool of claim 22 wherein the particular service in the group comprises an internet browser service [column 5 «line 1»].

15>   As to claim 35, Ortony discloses the data processing tool of claim 22, wherein the port comprises a wireless transmitter and receiver [Figure 2 «item 50»].

16>   As to claim 37, Ortony discloses the data processing tool of claim 22, wherein the input/output device comprises a touch screen [column 2 «lines 43-48»].

17>   Claims 26, 28-30, 32-34 and 38 are rejected under 35 U.S.C § 103(a) as being

unpatentable over Ortony, Orenshteyn and Frese, in further view of an Official Notice.

18>   As to claims 26, 28-30 and 32-34, Ortony discloses the use of network services for

various purposes [column 5 «lines 1-2»], but does not specifically disclose all the services, as

claimed. However, services such as a slide presentation, calendar program, control of

appliance, print and fax services, speech translation and room reservation function are well

known in the art and not patentably distinct as they are merely fields of use. Therefore,

Official Notice is taken that one of ordinary skill in the art would have reasonably

implemented the aforementioned services in Ortony to provide a greater range of

functionality of services available to the user.

19>   As to claim 38, Ortony discloses the use of a touch screen as an input/output device

but does not specifically disclose the dimensions as claimed. Official Notice is taken that the

dimension of a touch screen on a handheld device is a matter of preference, and one of

reasonable skill in the art would have reasonably inferred that the touch screen would have to

be at least a minimum size to fit on the handheld or portable device. Therefore, it would have

been obvious to implement the size restrictions of 4 inches by 6 inches or smaller on the

handheld device to keep the size of the device within the limits of portability.

20>   Claim 36 is rejected under 35 U.S.C § 103(a) as being unpatentable over Ortony,

Orenshteyn and Frese, in further view of Whitehead et al, U.S Patent No. 6.085.030

["Whitehead"].

21>   Ortony discloses a wireless link, but does not specifically disclose that it is an infrared

link, or comprises an infrared transmitter and receiver.

22>   Whitehead discloses a communication link comprising an infrared link, and that its

use is well known in the art [column 6 «lines 20-25»]. Therefore, it would have been obvious

to one of ordinary skill to have reasonably implemented Ortony's wireless link as an infrared

link as taught by Whitehead, thereby increasing the number of computing platforms with

which Frese's system is compatible, most notably, infrared-enabled and wireless devices.

23>   Claims 39, 42, 44 and 45 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Frese, in view of Ortony.

24>   As to claim 39, Frese discloses a method for controlling an application executable on a

particular processor coupled to a network using a computing platform, comprising:

        establishing a communication link via the network between the computing

platform and the particular processor [Figure 1 «items 16,20» | column 6 «lines 39-59»];

transferring a control program to the computing platform via the network, the control

program including user interface constructs for generating commands for control of the

application [column 4 «lines 25-32»];

transmitting commands input using the control program to the particular processor

via the communication link [column 4 «lines 32-50»];

transferring the commands input using the control program to the application

[column 4 «lines 32-50» | column 5 «lines 1-14»].

Frese does not explicitly disclose that the computing platform is portable.

25>   Ortony discloses a method for controlling an application executable on a particular

processor coupled to a network using a portable computing platform [column 4 «lines 13-31»].

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have implemented Frese's computing platform as a portable computing platform to

increase the functionality of his invention by allowing portable devices and wireless control

of applications in his network as taught by Ortony. Frese further suggests this

implementation, disclosing that other computing platforms may be used in his network

[column 6 «lines 65-66»].

26>   As to claim 42, Frese does not disclose a method wherein the communications link

comprises a wireless link.

27>   Ortony discloses a method wherein the communications link comprises a wireless

link [column 4 «lines 23-31»]. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have implemented Frese's computing platform as a

portable computing platform to increase the functionality of his invention by allowing

portable devices and wireless control of applications in his network as taught by Ortony.

28>   As to claim 44, Frese does not disclose a method wherein the portable computing

platform includes a touch screen, and the interface constructs include graphical interface

elements accepting inputs via the touch screen.

29>   Ortony discloses a method wherein the portable computing platform includes a touch

screen, and the interface constructs include graphical interface elements accepting inputs via

the touch screen [column 2 «lines 39-48» | column 6 «line 62» to column 7 «line 14»]. It

would have been obvious to one of ordinary skill in the art to implement Ortony's portable

computing platform and touch screen functionality into Frese as such it allows the user direct

point and click control of the remote controlled applications.

30>   As to claim 45, Frese does not disclose a portable computing platform that is palm-

sized.

31>   Ortony discloses a portable computing platform that is palm-sized [column 4 «lines

13-19»]. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have implemented Frese's computing platform as a portable

computing platform to increase the functionality of his invention by allowing portable

devices and wireless control of applications in his network as taught by Ortony. Frese further

suggests this implementation, disclosing that other computing platforms may be used in his

network [column 6 «lines 65-66»].

32>   Claims 40 and 41 are rejected under 35 U.S.C § 103(a) as being unpatentable over Frese

and Ortony, in further view of Myers et al, "Collaboration Using Multiple PDAs connected

to a PC" ["Myers"].

33>   As to claim 40, Frese does disclose remote execution of computer programs over a

network but does not explicitly disclose a method wherein the application comprises a slide

presentation application, and the commands input using the control program include

commands for opening a presentation for display on a display coupled to the network, under

control of the particular processor, and navigating slides within the presentation.

34>   Myers discloses a method wherein the application comprises a slide presentation

application, and the commands input using the control program include commands for

opening a presentation for display on a display coupled to the network, under control of the

particular processor, and navigating slides within the presentation [page 6 «section titled

"PowerPoint Version"»]. It would have been obvious to one of ordinary skill in the art to

have reasonably inferred and implemented a slide presentation application into Frese's

remote control method as taught by Myers. One would have been motivated to perform the

implementation in Frese to allow users access to existing applications such as PowerPoint.

35>   As to claim 41, Frese does disclose remote execution of computer programs over a

network but does not explicitly disclose a method wherein the application comprises a slide

presentation application, and the commands input using the control program include

commands for editing slides within the presentation.

36>   Myers discloses a method wherein the application comprises a slide presentation

application, and the commands input using the control program include commands for

editing slides within the presentation. [page 6 «section titled "PowerPoint Version"»]. It

would have been obvious to one of ordinary skill in the art to have reasonably inferred and

implemented a slide presentation application into Frese's remote control method as taught by

Myers. One would have been motivated to perform the implementation in Frese to allow

users to control existing applications such as PowerPoint.

37>   Claim 43 is rejected under 35 U.S.C § 103(a) as being unpatentable over Frese and

Ortony, in further view of Whitehead.

38>   Frese does not disclose a method wherein the communication link comprises an

infrared link.

39>   Whitehead discloses a communication link comprising an infrared link, and that its

use is well known in the art [column 6 «lines 20-25»]. Therefore, it would have been obvious

to one of ordinary skill to have reasonably inferred an implementation of an infrared wireless

network as Frese's network, thereby increasing the number of computing platforms with

which Frese's system is compatible, most notably, infrared-enabled and wireless devices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942.

The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

DC

Dung C. Dinh
Primary Examiner